

## PRESENTATION FOR ENERGY & TECHNOLOGY PUBLIC HEARING

*Town of Wolcott request for revision to State Statute 16-331 ff. Certain third-party nonprofit community access provider requirements re education and government access channels and town-specific community access programming.*

Testimony of Michael Bruce; wlct96 Co Coordinator; Wolcott Governmental TV

Honorable Chairmen, Ladies and Gentlemen of the Energy and Technology Committee, thank you for this opportunity. My name is Michael Bruce, 424 Bound Line Road, Wolcott, Connecticut, I am the co-ordinator for Wolcott Governmental TV. As you consider today's bill, we are proud to say Wolcott's Governmental TV is a product of the PEGPETIA grant program made possible our Legislature. PEGPETIA has provided the Wolcott community with "transparency" of its government.

We are here to present the Town of Wolcott's request for a revision of State Statute 16-331 ff. Included with the copies distributed are letters of support from the Wolcott Mayor, Chairman of our Town Council, Police Chief, the Chairperson of the Wolcott Board of Education, a Communication Student at SCSU and the Chairman of Area 2 Advisory Council. I am joined in spirit by members of the Video Core Committee that oversees operation of Wolcott Governmental TV which I shall refer to as "wlct96".

As my request letter to the committee from January 29, 2015 indicates, we draw your attention to proposed deletions in the provisos "serving six municipalities, one of which has a population of more than one hundred thirty thousand," which appears in paragraphs (a) and (b).

We understand the intent of that proviso. It was designed to affect the Sound View Cable Franchise of Cablevision. As written, it **excludes all** other Franchises in the State of Connecticut. It is in essence spot legislation! Wolcott, being part of the Comcast/Waterbury Franchise cannot participate in the "...operate education and government public access channels in that town...". The Comcast/Waterbury Franchise only has five municipalities and one of which has a population of only one hundred six thousand, Waterbury.

We would like to draw your attention to the strong language in the last two sentences of paragraph (a) "Said third-party nonprofit community access provider [must] shall grant such written consent to said requesting town organization, authority, body or official within three business days. Written consent not provided within three business days shall be deemed granted." We relate to this language because of our ongoing dealings with the local Community Access Provider (CAP).

Since February 2009, the Town of Wolcott has submitted many written communications which are available upon request, for a "town-specific" use of the (G) governmental channel 96 from Skye Cable 13 the Community Access Provider (CAP) in the Franchise,

and they have repeatedly denied our requests. We have gone to our local cable advisory council and were told that is was "beyond their area of responsibility" and please "take it to the Public Utilities Regulatory Authority (PURA)".

We then decided that we might just ask for "use" only of the narrowcast channel to Wolcott in the time of a State or Local Emergency. We requested "use" three times of the Community Access Provider and were denied each time. We've even asked Comcast Cable to intercede to no avail.

We appealed to the PURA and they opened a Docket No. 14-08-02, PURA Investigation into the Use of a Government Community Access Channel During an Emergency", they decided that:

### **ANALYSIS**

***"The PURA has reviewed the applicable statutes cited by the parties and does not believe it has the authority to require Skye, or any CAP, to give up control of any channel. Additionally, the PURA does not find any legal authority that prevents implementing a plan similar to that requested by Wolcott."***

***"The Authority will not make any broad statewide determinations in regards to standard emergency use of a government access channel, only that the CAPs and local officials should work together to enlist policies that work best in each service area."***

### **CONCLUSION**

***"The Authority declines to order Skye to provide the utilization of the government channel during an emergency as requested by Wolcott. The Authority also declines a finding that the utilization of the government channel is somehow impermissible or preempted in any way. The Authority is of the opinion that Skye and Wolcott should formulate policies that may be able to accommodate this type of request. The Authority will make available its mediation staff to assist the parties in finding an equitable resolution to this issue upon request from either or both parties."***

We met with Skye Cable 13 in April of 2015 and left the meeting with an unsuitable resolution of the matter and then were informed that they **would not** meet with us again and they "considered this a closed matter". We appealed to PURA for mediation and have had one phone discussion with the mediators since that April meeting. At a recent mediation meeting, the provider stated when asked "why have you not provided Wolcott the ability to use channel 96" they responded **"because we were not ordered to do so!"**

As you later consider Wolcott's request, please keep in mind United States Cable Act 47.USC 531, Sec. 611 (e) "Subject to section 624(e), a cable operator **shall not exercise any editorial control** over any public, educational, or governmental use of channel

capacity provided pursuant to this section.” We draw your attention to the word ANY. Is the Community Access Provider acting as the “cable operator”?

In my letter of January 2015, I also drew your attention to SS Sec. 16-331 gg. *Funds for development of town-specific education and government community access programming. Distribution of funds. Report re disbursement of funds.*

The Town of Wolcott wishes to make it clear that we have at no point requested funding from any party and although funding would be useful, we believe that any “Town-Specific”, in order to be effective, should not have to take subscriber funding from the CAP in order to make programming available for airing. Wolcott would only be a “user” of the channel and not a Community Access Provider. We recommend NO CHANGE to 16-331 gg thereby leaving it intact to affect the Sound View Franchise only.

With regard to costs in order to implement the change to 16-331 ff: The Greater Waterbury franchise is fortunate that in a previous franchise renewal with TeleMedia the former cable provider, provisions were made to install fiber optic cable drops at all town halls and high schools for the purpose of live transmissions. In addition, TeleMedia furnished a 32x32 video switcher to enable a “narrowcast” capability from and to each municipality. The necessary equipment and infrastructure are in place and are currently being used for the educational (E) channel on channel 16 at the Skye facility.

We are unaware of the needs of each other cable or community access provider in the state and their abilities to provide “narrowcasting” to subscribers in each of their communities. If fiber optic cabling is not available it will have to be provided at a cost we cannot provide. Depending on the video switcher chosen, that cost would be between \$5,000 and \$25,000 per region.

Should you decide to submit to the floor a bill regarding this suggested revision, you will be making “town-specific” programming available to **every municipality in the State of Connecticut** if they can provide the equipment and expertise to air the transparency of their government to their residents. Wolcott has had this 24/7/365 capability since 2009.

Thank you for your consideration in this matter. I stand prepared to respond to your questions.

**MICHAEL BRUCE**  
**424 BOUND LINE ROAD**  
**WOLCOTT, CT 06716**

January 29, 2015

Energy & Technology Committee  
State of Connecticut  
Legislative Office Building, Room 3900  
Hartford, CT 06106  
Atten: Co-Chair Paul Doyle  
Co-Chair Lonnie Reed  
Members of the Committee

Co-Chairmen and Members of the Energy and Technology Committee.

On January 23, 2015 I submitted the following request for a suggested revision to State Statute:

**Sec. 16-331ff. Certain third-party nonprofit community access provider requirements re education and government access channels and town-specific community access programming.** (a) Any third-party nonprofit community access provider [~~serving six municipalities, one of which has a population of more than one hundred thirty thousand,~~] shall, upon request from any town organization, authority, body or official within its service territory, provide written consent, pursuant to its service provider agreements, for said town organization, authority, body or official to (1) operate education and government public access channels in that town, and (2) engage freely and directly the community antenna television company providing services in that town to use their headend equipment for dissemination of town-specific community access programming on such channels. Said third-party nonprofit community access provider must grant such written consent to said requesting town organization, authority, body or official within three business days. Written consent not provided within three business days shall be deemed granted.

(b) If a third-party nonprofit provider fails to provide written consent within three days, pursuant to subsection (a) of this section, the Public Utilities Regulatory Authority shall, upon a request from a town organization, authority, body or official within the service territory of that third-party nonprofit community access provider [~~serving six municipalities, one of which has a population of more than one hundred thirty thousand,~~] (1) terminate, revoke or rescind such third party nonprofit provider's service

agreement to provide public access programming within one hundred eighty days, and (2) reopen the application process to secure a community access provider for each of the towns within the affected service territory.

As a resident and not a legislator, I was unaware that there was a shutoff date for proposals to be presented for consideration.

This submitted revision affects all municipalities in the State, unlike the original enacted bill which currently applies to only the few in the Soundview (Cablevision) franchise in southwest Connecticut.

I respectfully request that the committee schedule a hearing on the proposal at which time I will provide written and verbal testimony regarding the need for this change and why a similar change was not requested for Sec. 16-331gg:

**Sec. 16-331gg. Funds for development of town-specific education and government community access programming. Distribution of funds. Report re disbursement of funds.** (a) A community antenna television company, a certified competitive video service provider that was providing service as a community antenna television company pursuant to section 16-331 on October 1, 2007, or a holder of a certificate of cable franchise authority that provides services within a service territory of a third-party nonprofit community access provider that serves six municipalities, one of which has a population of more than one hundred thirty thousand, shall direct the sum of one hundred thousand dollars per year from the funds collected from subscribers in said service territory that it provides to the existing third-party nonprofit community access provider serving six municipalities, one of which has a population of more than one hundred thirty thousand, directly to the service territory's community antenna television advisory council for developing town-specific education and government community access programming.

(b) A community antenna television advisory council that receives funds pursuant to subsection (a) of this section shall distribute said funds in their entirety to a town organization, authority, body or official in the service territory of a third-party nonprofit community access provider serving six municipalities, one of which has a population of more than one hundred thirty thousand, to support the development of production and programming capabilities for town-specific education and government public access programming, pursuant to grant procedures and processes established by said council.

(c) Any community antenna television advisory council that receives funds pursuant to subsection (a) of this section shall report annually to the Public Utilities Regulatory Authority all completed or planned disbursements of funds and certify that said funds were spent in their entirety and used for the public good in the creation of town-specific

education and government public access programming for at least one of the towns in its service territory.

This revision, were it to be enacted, would allow "local" municipalities if properly equipped, to provide "town-specific governmental programming" to their communities and assume the costs for said programming within their local budgets.

Thank you for your consideration of this request.

Respectfully submitted;

Michael Bruce

Cc: Thomas G. Dunn; Mayor of the Town of Wolcott  
Representative Rob Sampson  
Senator Joe Markley